



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/582,075

06/08/2006

Kazutaka Kubota

F-9143

3987

28107 7590 07/06/2010  
JORDAN AND HAMBURG LLP  
122 EAST 42ND STREET  
SUITE 4000  
NEW YORK, NY 10168

EXAMINER

HENRY, THOMAS HAYNES

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

07/06/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/582,075	<b>Applicant(s)</b> KUBOTA ET AL.	
	<b>Examiner</b> THOMAS H. HENRY	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/08/06, 2/12/07</u> . | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 15-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. SOME indefinite language is listed below:

4. In re claims 15-31, applicant claims "a game evaluator for receiving the terminal identification information of one game terminal unit, the player identification information, and a game start signal, which is an operation signal to the effect of starting the game from the one game terminal". It is unclear as to whether "the player identification information" is information for one player, or for all players. The claim declares that this is "an operation signal to the effect of starting the game", but doesn't explain how this is a signal for starting the game.

5. Applicant claims "calculating a result of each player based on the result of the game" this claim limitation lacks antecedent basis, Appropriate correction is required.

6. applicant claims "judging whether or not the read two pieces of shop information coincide with each other", it is not understood what is being done here.

Art Unit: 3714

7. Applicant claims "a restricting condition judger for judging whether or not to satisfy a first restricting condition", however it is not explained who or what is being restricted, or how it would be satisfied.

8. Applicant claims "judging whether or not to satisfy a first restricting condition that the two pieces of shop identification information were judged to coincide by the shop judging means and that a within-shop rank order corresponding to the player identification information received from the one game terminal unit by the gaming evaluating means is within a first specified rank order" it is not understood how the judging of whether or not the restricting condition is "that (a plurality of things have happened)". It is not understood whether the satisfying of the restriction condition is when this DOES happen, or when this DOES NOT happen, or neither.

9. As this case is replete with indefinite language, the art rejection is taken as best understood.

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 15-31 rejected under 35 U.S.C. 102(b) as being anticipated by Walker (US6425828).

12. It is noted by the examiner that the current claim language is so broad that it can be rejected off of a general purpose PC, as in claim 15, simply "allowing" for certain

Art Unit: 3714

things to occur only requires the hardware necessary to allow for such a method, and in claims 16-31 all language after the word "for" is functional language, and the prior art needs to merely be capable of performing the function. It is further noted by the examiner that the dependent claims generally repeat a large number of limitations that were listed in previous dependent claims, thus examiner generally only responds to the pertinent and new portions of the dependent claims, however the entire language of each dependent claim stand rejected under Walker.

13. In re claims 15, 16, and 31, Walker discloses

- A player information storage for storing player identification information which is identification information of players, in correspondence with shop identification information, which is identification information of shops to which the players virtually belong (column 7 lines 13-34)
- A terminal information storage for storing terminal identification information, which is identification information of the game terminal units, in correspondence with the shop identification information of the shops where the game terminal units are installed (column 7 lines 13-34)
- A game evaluator for receiving the terminal identification information of one game terminal unit, the player identification information and a game start signal, which is an operation signal to the effect of starting the game, from the one game terminal unit, calculating a result of the player based on the result of the game, and storing the calculated results in the player information storage in correspondence with the player identification information (column 7 lines 13-34)

Art Unit: 3714

- A result tabulator for tabulating the result of the player to determine a ranking and storing the determined ranking in the player information storage in correspondence with the player identification information (column 7 lines 13-34)
- A restricting condition judger for judging whether or not to satisfy a restricting condition that a rank order corresponding to the player identification information received from the one game terminal unit by the gaming evaluator is within a specified rank order, and (column 7 lines 13-34)
- A guidance transmitter for transmitting guidance information including the player identification information and the ranking information of the player of the one game terminal unit in order to display guidance (column 7 lines 13-34)

14. In re claim 17, Walker discloses

- A shop judger for reading the shop identification information corresponding to the terminal identification information of the one game terminal unit from the terminal information storage, reading the shop identification information corresponding to the player identification information corresponding to the player identification information received by the gaming evaluator from the player information storage, and judging whether or not the read two pieces of shop identification information coincide with each other (column 7 lines 13-34)
- The result tabulator tabulates the results of the players for each shop, to which the players virtually belong, at every interval of a specified period to determine a within shop ranking, and stores the determined within shop ranking in the player

Art Unit: 3714

information storage in correspondence with the player identification information (column 7 lines 13-34)

- The restricting condition judger judges whether or not to satisfy a first restricting condition that the two pieces of shop identification information were judged to coincide by the shop judger and that a within shop rank order corresponding to the player identification information received from the one game terminal unit by the gaming evaluator is within a first specified rank order (column 7 lines 13-34)
- The guidance transmitter transmits guidance information including the player identification information and the within shop ranking information of the player of the one game terminal unit to other game terminal units in the shop where the one game terminal unit is installed in order to display on the other game terminal units, guidance to the effect that the player within the first specified rank order in the within shop ranking will start the game if the first restricting condition is judged to be satisfied by the restricting condition judger. (column 7 lines 13-34)

15. In re claim 18, Walker discloses

- The game is a competition game (column 5 lines 55-65)
- The game evaluator receives the terminal identification information of one game terminal unit, the player identification information and a game start signal, which is an operational signal to the effect of starting the competition game, from the one game terminal unit, and determines competing terminal units, which are other game terminal units to become competitors in accordance with a specified rule and instructs the one game terminal unit and the competing terminal units to conduct the

Art Unit: 3714

competition game and calculates a result of each player based on the result of the competition game and stores the calculated result in the player information storage in correspondence with the player identification information (column 7 lines 13-34)

16. In re claim 19, Walker discloses the guidance transmitter transmits guidance information including the player identification information and the within shop ranking information of the player of the one game terminal unit to the shop monitor unit in the shop where the one game terminal unit is installed in order to display, on the shop monitor unit in the shop where the one game terminal unit is installed, guidance to the effect that the player within the first specified rank order in the within shop ranking will start the game if the first restricting condition is judged to be satisfied by the restricting condition judger (column 7 lines 13-34)

17. In re claims 20 and 21, Walker discloses the result tabulator tabulates the results of the players for each shop, to which the players virtually belong, at every interval of a specified period to determine a within shop ranking, and stores the determined within shop ranking in the player information storage in correspondence with the player identification information, and tabulates the results of the players within a first specified rank order in the within shop ranking to obtain a shop result of each shop at every interval of a specified period, and determines a within area shop ranking, which is a ranking of the respective shops, for each area where the respective shops are located in accordance with the shop results of the respective shops, and stores determined within area shop ranking information in the shop information storage in correspondence with the shop identification information (column 7 lines 14-34)



Art Unit: 3714

18. In re claims 22-25, Walker discloses shop information storage for storing shop identification information, which is identification information of the shops, in correspondence with area identification information, which is identification information of areas where the shops are located (column 7 lines 14-34)

19. In re claim 26, Walker discloses a belonging shop setter for reading the shop identification information corresponding to the terminal identification information of the one game terminal unit from the terminal information storage, transmitting the shop identification information to the one game terminal unit, and storing the shop identification information in the player information storage in correspondence with the player identification information of the one game terminal unit upon receiving belonging shop setting information to the effect of setting to virtually belong to the shop corresponding to the shop identification information from the one game terminal unit when the terminal identification information of the one game terminal unit is received from the one game terminal unit by the gaming evaluator (column 7 lines 14-34)

20. In re claim 27, Walker discloses the guidance transmitter transmits the guidance information to the other game terminal units while adding an interrupt signal thereto in order to make an interrupt display of the guidance on the other game terminal units (column 7 lines 14-34)

21. In re claim 28, Walker discloses the result tabulator determines the within shop ranking by tabulating the results of the players within a specified past period for each shop to which the player virtually belong and stores the determined within shop ranking

Art Unit: 3714

in the player information storage in correspondence with the player identification information (column 7 lines 14-34)

22. In re claim 29, Walker discloses a within shop ranking transmitter for transmitting the player identification information and the within shop ranking information of the players virtually belonging to each shop to the shop monitor unit for each shop in order to display the player identification information and the within shop ranking information of the players virtually belonging to each shop in the form of a ranking on the shop monitor unit of each shop (column 7 lines 14-34)

23. In re claim 30, Walker discloses the guidance information further includes shop identification information of the shop to which the player of the one game terminal unit virtually belongs (column 7 lines 14-34)

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS H. HENRY whose telephone number is (571)270-3905. The examiner can normally be reached on M-F 9 AM - 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3714

Thomas H Henry  
Examiner  
Art Unit 3714